

Listen to what has happened here in our Nation since 2015, when every Republican on this Senate floor—when they controlled the Senate—voted to lift the ban on the exportation of oil from the United States. That ban had been in place for 50 years to keep American oil here.

Well, here's what the Republicans did in the House and Senate back in 2015: they lifted the ban.

Oil companies from the United States now send our oil overseas. And get this: In 2020, we exported more than 8.5 million barrels of petroleum every single day out of the United States to other countries. And, in 2020, pursuant to Republican Senators in 2015, we, in 2020, for the first time in more than 50 years, exported more barrels of petroleum every single day—exported—than imported.

Is that energy independence?

I don't think so.

And why do we do it?

I will tell you why we do it. It is for the oil companies. That is why we do it.

The Republicans don't want to do anything on climate change—oil companies. The oil companies want to export American oil, drill for it here in the United States, because they can make more money selling that oil into the international marketplace. Of course, that is what the Republicans are going to vote for back in 2015.

And here's what happened: we got up to 2021, and we now are net exporters of petroleum in our country.

So the bill that is being proposed would actually do nothing to help consumers at the pump. The one thing that we could do is reimpose the ban on the exportation of these 8.5 million barrels of oil a day. Keep it here. It is lower priced. It is drilled for in the United States. Our economy would get the benefit of that lower priced oil and people would be going up to the pump, paying a lot less per gallon of gasoline than they are doing right now.

But you are not going to hear anything from the Republican Party that takes on the oil industry and their international market using American oil to make more money because people in the rest of the world will pay more for it. But that leaves less American oil here for drivers, as they are pulling in to the pump every single day.

So this is just the greed of the domestic oil industry so that they can have unlimited international energy markets so that, ultimately—and this is the beauty of it—they make more money overseas and they get to tip American consumers upside down at the pumps as they have got their fingers on this nozzle and watching this price of gasoline go up even as they are looking at it. It is a beautiful world for the oil industry to have the cooperation of the Republican Party on this agenda.

And so all I can say is that this proposal is just the opposite of what we

should be talking about. The Republicans should be reexamining their own conscience about what they did in 2015, instead of shedding crocodile tears today as though Joe Biden did this. This net export of petroleum products is a Republican idea driven by the Republicans who sit here on the Senate floor.

And so in no way should this resolution pass, and so I object to the Senator's motion for unanimous consent.

The PRESIDING OFFICER. Objection is heard.

Mr. SCOTT of Florida. Mr. President.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. That would be interesting if it was true. When you think about it—and you can look at oil prices, and they are international oil prices—it is illogical to believe that the American oil companies want to spend the transportation dollars to send the oil overseas if they could sell it in America.

So, first off, I am truly shocked that my colleague would say those things. I am shocked that he would object, but I get it. I know my Democratic colleagues have to bend over backwards to protect the Biden administration's disastrous energy policies. But I find it hard to believe they would go so far as to object to having basic transparency. Maybe, if what my colleague said was true, then my bill would show—they would come back and say: Yup, that is exactly what happened.

My bill would simply provide us with greater insight into the cause of rising gas and energy prices in the United States.

We must be committed to making the American dream work for everyone, ensuring that every family, including poor families, have a chance to get ahead.

I think about my mom and dad. I watched them struggle to make ends meet. This inflation, these gas prices, food prices, all these things, are hurting the poorest families in this country. When you get very little, like we did, and prices go up—gas prices, food prices—it means it is a very difficult time for these families. Hard-working families are trying to get by.

We need to provide more information to Congress so we can make good decisions to figure out why these gas prices are going up the way they are.

So I am disappointed that my colleague would object to a simple way of trying to figure out exactly what has happened here, why gas prices are going up, and what should Congress be doing to make sure that doesn't continue.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

SENTENCING DISPARITY

Mr. DURBIN. Mr. President, I would like to speak on another topic that, sadly, is still relevant today as it has been for so many years. And I want to start by recalling 35 years ago, when I

was a Member of the U.S. House of Representatives, I was faced with one of the most troubling votes in my whole career.

It was the height of the war on drugs. A new narcotic showed up. It was called crack cocaine. We didn't know much about it, but we knew several things: First, highly addictive; second, dirt cheap; third, if a woman who was pregnant used it, she could cause permanent harm to the baby she was carrying.

We started worrying that this was going to become the drug of choice across America and that the war on drugs was going to be lost forever.

And just about the time we were debating this, an event took place that really had no direct connection to crack cocaine, but it rocked the Capitol.

There was a basketball player at the University of Maryland, whose name was Len Bias. He was a very good basketball player, destined for the NBA. Sadly, he overdosed and died. It shocked everyone all across this region, and it certainly was felt in the House of Representatives. And, perhaps, it was part of the impetus for a measure that we enacted, which I later came to really regret.

Congress took action in 1986. I joined 400 of my House colleagues. We decided to take a stand—a really powerful stand—against crack cocaine. We decided to create a sentencing regime for crack cocaine that would be so overwhelming that anyone across America who considered using it would think twice. We went to an extreme. We decided to impose a 100-to-1 disparity between crack cocaine and powdered cocaine.

What does that mean?

If you are arrested with 5 grams of crack, you were subject to the same mandatory sentencing as someone arrested with 500 grams of powder cocaine, a 100-to-1 sentencing disparity. Our logic was there. If people knew that that kind of penalty awaits, they will surely stay away from this deadly new narcotic.

It turned out we were completely wrong. The net result of our 100-to-1 disparity against crack cocaine didn't drive the cost of the drug up on the street. It drove it down. It didn't lessen the number of people who were addicted. It increased the number of who were addicted—exactly the opposite of what we expected to happen.

And then for a decade, maybe two decades, we reaped the whirlwind. The 100-to-1 disparity meant that we were filling our prisons to a level we had never seen in the history of the United States, and, frankly, a level the world had never seen in terms of prison population. Sadly, the vast majority of them were African Americans. We stole away one or two generations of African-American males—and some females, too—in the process of making this terrible mistake.

It didn't make America any safer at all. In fact, it worsened the racial inequities in our justice system. Black Americans and White Americans use drugs at the same rates. Yet Black Americans are six times more likely to be imprisoned for drugs.

Fortunately, lawmakers on both sides of the aisle recognized this was a true injustice. I tried to undo some of the damage done by this war on drugs. We came together in 2010, on a bipartisan basis, to pass a bill I called the Fair Sentencing Act. It lowered the Federal drug sentences for the first time since the war on drugs.

Through bipartisan negotiations, we were able to significantly reduce the crack-powder sentencing disparity, but we didn't eliminate it. We reduced it from 100-to-1 to 18-to-1.

You say: How did you come up with the number of 18?

Two opposing Senators—one, myself; and the other, Jeff Sessions of Alabama, negotiated it literally in the Senate gym. We came to this agreement. We will make it 18-to-1 instead of 100-to-1. It is still dramatically higher than it should have been, but it was also dramatic progress.

Now, more than a decade later, we can finish the job with the EQUAL Act, a measure I introduced this year under the leadership of my friend and colleague, Senator CORY BOOKER. Once again, we have been able to come together on a bipartisan basis, only this time we agreed we needed to finish the job and end this disparity.

We have help on the Republican side—how about that, a bipartisan approach—with Senators PORTMAN, PAUL, TILLIS, and GRAHAM joining us.

Our House colleagues overwhelmingly agreed on a bipartisan basis themselves to change this once and for all, to go back to one-to-one in terms of sentencing on crack and powder cocaine. The legislation passed 361 to 66 in the House. Not bad, certainly in this divided political atmosphere.

It is amazing. By passing the EQUAL Act, the Members of the Senate can prove that we can learn from our mistakes.

Addiction, we have come to learn, is not a moral failing. It is a disease—a treatable disease. And if our Nation's laws encourage people to seek treatment instead of incarcerating them for seeking self-medication, we can potentially save tens of thousands of lives every year.

If I had said to the people back in Illinois 10 or 15 years ago, I went to them and said, "Did you hear somebody downtown last night died of a drug overdose?" 15 years ago, you would have said, "Oh, that is a darn shame."

And if I said, "Try to describe to me what you think that person looked like, who that person was," they would have said, "My guess is it is an African American, probably a male. He is probably between 20 and 35 years of age."

And you would have been right 15 years ago.

But now we are seeing overdoses, particularly with opioids and fentanyl, that really belie that image, that stereotype of the drug addict. We are finding drug addiction to opioids reaching every corner of society—Black, White and Brown, young and old, people who have a lot of money, and people who are dirt poor.

And so we started looking at addiction differently. It isn't a problem with the minorities. It is a problem with America that we have to cope with. And we need to deal with it honestly, not with stiff criminal penalties so much as treatment that can deal with these addictions, and that is critically important.

The war on drugs took its toll on America. It directly fueled the crisis of mass incarceration, and we wasted—wasted—billions of Federal dollars in the process, dollars that could have been spent on actually making America safe.

We need to replace criminalization with commonsense and compassion. We can start by passing the EQUAL Act.

NOMINATIONS

Mr. President, on a separate topic, as we round out the week, we continue to vote on a number of very important executive and judicial nominations.

I want to start by speaking quickly about four critical positions in the Justice Department: Matt Olsen, to head the DOJ National Security Division; Chris Schroeder, nominated to head the Office of Legal Counsel; Hampton Dellinger, Office of Legal Counsel; Elizabeth Prelogar, to serve as the Nation's next Solicitor General.

All of them are eminently qualified, have deep experience and strong credentials, and they understand the importance of DOJ independence. Let me say a few words about them.

Matt Olsen has dedicated the bulk of his career to helping keep our Nation safe, and he will continue to do that same thing as Assistant Attorney General for National Security. From his time at the Justice Department to his work at the National Security Agency, to his tenure as the confirmed Director of the National Counterterrorism Center, he has been a leader when it comes to security in America.

Chris Schroeder, nominated to head the Justice Department's Office of Legal Counsel—or OLC—has significant experience, including serving as counselor to the Assistant Attorney General and as Deputy Assistant himself. He has a deep understanding of the office and is ready to provide the kind of skill and experience we need.

Hampton Dellinger, nominated to serve as Assistant AG for the Office of Legal Policy, has bipartisan support in our committee and has decades of public and private service. He oversaw the judicial vetting process for State judges in North Carolina. I am confident he will enable the Department of Justice to continue its track record of processing President Biden's highly qualified nominees.

Elizabeth Prelogar, nominated to be the U.S. Solicitor General, is an accomplished appellate advocate. She argued nine cases before the Supreme Court and filed hundreds of amicus briefs and other petitions. She knows this job, and she knows it well, and it is time that she is given this opportunity to serve.

Let me conclude by saying that these nominees are the kind of experienced people we need. We have good nominees for the court as well.

The Senate will also be voting soon on two highly qualified nominees for the Federal judiciary: Omar Williams for the District of Connecticut and Beth Robinson for the Second Circuit.

These nominees have received strong support from their home State senators. They both currently serve as State court judges, and both have been rated "well qualified" by the American Bar Association. Their records show that they have an even-handed approach to administering justice and that they are guided by one principle above all else: fidelity to the rule of law.

Judge Omar Williams, nominated to the District of Connecticut, is an accomplished State court judge and former public defender who has earned wide acclaim from the Connecticut legal community.

In recognition of his work on the State bench, Judge Williams was appointed to several important judicial bodies by the Connecticut Supreme Court, including the New England Regional Judicial Opioid Initiative. He also received bipartisan support in the Judiciary Committee.

As I mentioned, we will also be voting on Vermont Supreme Court Justice Beth Robinson, nominated to the Second Circuit Court of Appeals. Justice Robinson is an experienced litigator with a proven track record of impartial, even-handed judicial decision-making.

She attended Dartmouth College and the University of Chicago Law School. After graduating, she clerked for Judge David Sentelle—a President Reagan appointee—on the U.S. Court of Appeals for the D.C. Circuit.

In private practice, Justice Robinson specialized in civil litigation. She also developed a large practice representing LGBTQ clients in civil rights and family law issues.

Justice Robinson was a proponent of LGBTQ rights at a time when most were not. She championed same-sex couples' freedom to marry and participate in, as Justice Kennedy said in *Obergefell*, the "highest ideals of love, fidelity, devotion, sacrifice, and family."

As an advocate, she always understood and respected the important intersection between LGBTQ rights and religious liberty. She worked with Vermont State representatives on a marriage equality bill to "affirm[] what the Constitution required—that no clergy would be forced to perform a same-sex marriage against their will."